
Status & Remarks

The application presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
1	2-10
11	12-22
23	24-32

Claim 11 is amended in this response.

Support for the amendment to claim #11 can be found with reference to FIGS. 1-2 and 4 of the Drawings as originally filed.

35 U.S.C. §101 (Double Patenting)

The examiner has provisionally rejected claims 1-10 and 23-32 under this section as claiming the same invention as that of claims 1, 5, 10-12 and 14-17 of co-pending Application No. 10/248,998 and also provisionally rejected claims 11-22 under this section over claims 28-37 and 40-43 of co-pending Application No. 10/248,998.

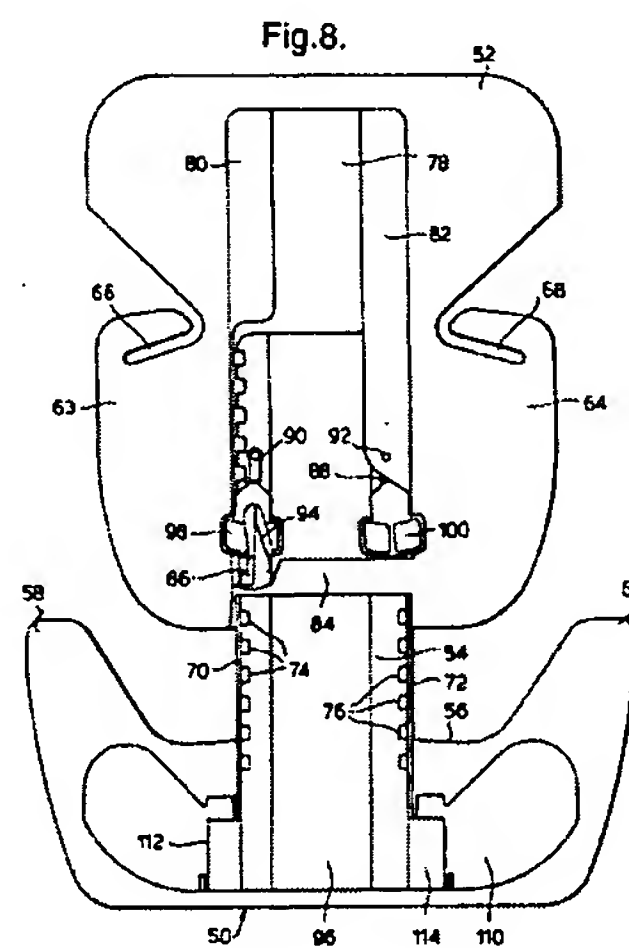
The applicant's attorney submits the attached terminal disclaimer which renders the provisional rejections moot.

35 U.S.C. §102

The examiner has rejected claims 11-22 under this section, subparagraph (b) as being anticipated by USP 5,845,968 to *Lovie* and provided his reasons therefore. The applicant's attorney would respectfully request the examiner to revisit his position in light of the amendments which have been made to the claims and also with respect to the following persuasive arguments.

Lovie does not disclose an extendable back car seat which upon extension of the back from an initial compressed position to a second extended position, will provide for "contiguous support for an occupant's back." Additionally, as the claims are now amended, the width of the fixed member is essentially the same as the width of the movable member. This is clearly an improvement over *Lovie* who failed to appreciate the

value of complete back support across an entire width of the back portion of the car seat. As clearly seen in FIG. 8 of *Lovie*, at best, the occupant will be protected by a "bridge portion 84 which extends behind the support member 54." (see col. 2, lines 66-67) This is a rail support, and the width of this rail is the only support that an occupant will be afforded.



By contrast, the "overlapping" or "telescoping" arrangement found in the geometry of the applicant, in which the movable component has essentially the same width as the fixed component clearly distinguishes over that of *Lovie* by providing "contiguous" or "essentially gapless" support for the occupant, across an entire width of the car seat, a limitation which is now present in claim #11.

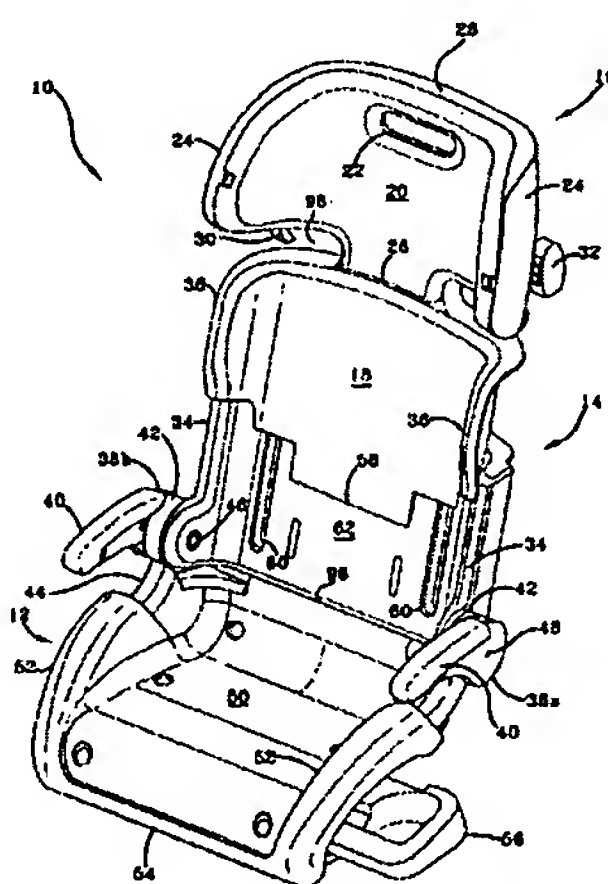


FIG-2

It is believed that the incorporation of the "contiguous" or "essentially gapless" limitation in conjunction with the support across an entire width of the back of the car seat, distinguishes in a patentably novel manner, over the teachings of *Lovie*. The value of this arrangement is that rear-end collision impacts are now distributed over a significantly larger surface area on the car seat which hopefully, results in less kidney or spinal cord damage to the occupant.

Request for Reconsideration

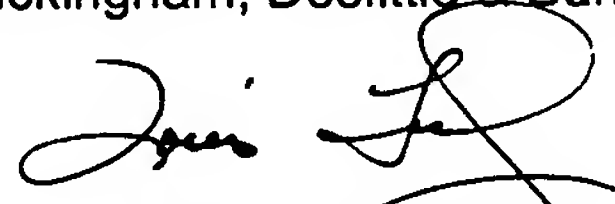
Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

Buckingham, Doolittle & Burroughs, LLP
50 S. Main St.
P.O. Box 1500
Akron, Ohio 44309-1500
(330) 258-6453 (telephone)
(330) 252-5452 (fax)
Attorney Docket #: 43064.0030

Respectfully Submitted,
Buckingham, Doolittle & Burroughs, LLP


Louis F. Wagner
LWagner@bdblawn.com
Registration No.: 35,730